

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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CIVIL ACTION

No. **02-12228JGD**

TIMOTHY J. NOLAN and  
MARIE F. NOLAN,

*Plaintiffs,*

v.

ALLEN KRAJCIK; WILLIAM FULCHER;  
STANLEY BATES; KEVIN PAICOS; and  
THE TOWN OF EASTON,

*Defendants.*

**PLAINTIFFS' MOTION FOR (i) RELIEF FROM JUDGMENT, (ii) PERMISSION  
TO FILE LATE THEIR OPPOSITION TO DEFENDANT KRAJCIK'S MOTION  
FOR SUMMARY JUDGMENT AND (iii) EXTENSION OF TIME FOR FILING  
OPPOSITIONS TO MOTIONS FOR SUMMARY JUDGMENT OF  
DEFENDANTS FULCHER, BATES, PAICOS AND THE TOWN OF EASTON**

The plaintiffs, Timothy J. Nolan and Marie F. Nolan, pursuant to Fed. R. Civ. P. 6(b), respectfully requests that this Honorable Court, (i) relieve plaintiffs from the judgment entered on April 13, 2004, (ii) permit plaintiff to file late their Opposition to Defendant Krajcik's Motion for Summary Judgment, and (iii) extend such additional time as the Court deems appropriate under the circumstances to file Oppositions to the remaining four (4) Motions for Summary Judgment filed by Defendants Fulcher, Bates, Paicos and The Town of Easton.

As reasons therefore plaintiffs state the following:

1. As this Court is aware, from the time of the initial filing by defendants of their five (5) motions for summary judgment, plaintiffs' counsel, Paul J. Adams had been diligently working every day, including weekends on this matter. As evidenced by the Opposition and Memorandum in Support ready for filing immediately, Attorney Adams has made significant progress and, in fact, has nearly completed the remaining four Oppositions.
2. As this Court is also aware, during this time period, plaintiffs' counsel, Paul J. Adams has been pressed with an unexpected and significant increase in workload due to the hospitalization of his colleague and father, Paul Adams, Sr. The law practice, The Law Office of Paul Adams, is a small, family law firm with a small staff. The impact of the loss of one attorney as well as the illness and part-time status of the only secretary has created a significant strain during the past few months on the firm's limited resources.
3. As a result, Attorney Adams solicited and received the assistance of his sister, Attorney Noreen A. Jonson of the Law Office of Noreen A. Jonson in an "of counsel" capacity on a part-time basis during the first few months of this year.
4. Attorney Adams was in a serious accident early in the morning on Saturday, April 17, 2004. He is currently hospitalized at Beth Israel Deaconess Medical Center in the intensive care unit with severe injuries. His injuries include a brain aneurysm and/or blood clot that required emergency surgery on Monday, April 16, 2004.
5. Attorney Adams had suffered a prior brain injury and emergency brain surgery in April of 1991. The site of the 2004 brain aneurysm and/or blood clot was at the site of the original brain surgery.
6. In the weeks leading up to the recent automobile accident, Attorney Jonson noticed that Attorney Adams exhibited a tendency to believe he had completed tasks he

had spoken of completing, when, in fact, he had not yet completed those tasks. Until now, Attorney Jonson had been that behavior by Attorney Adams to the increase in stress and workload brought on by his father's recent illness and inability to work.

7. According to the physicians treating Attorney Adams, there is a possibility that the aneurysm and/or blood clot was caused by his recent automobile accident; however, it is equally possible that the aneurysm and/or blood clot was in existence prior to the automobile accident, and that the accident caused it to worsen and/or burst.

8. Upon information and belief, and as set forth above, Attorney Adams may have been suffering from a medical condition which caused and/or contributed to his failure to timely communicate to the Court in writing his need for additional time for completing plaintiffs' Oppositions to the Motions for Summary Judgment of defendants Fulcher, Bates, Paicos and The Town of Easton and for his failure to submit the plaintiffs' Opposition to defendant Krajcik's Motion for Summary Judgment, which Attorney Adams had, in fact, completed.

9. Attorney Adams' expected recovery and recuperation time is unknown at this time.

10. As previously noted, Attorney Noreen A. Jonson is of counsel to Attorney Adams, and is his sister. She is admitted to practice before this Court and is in good standing. Attorney Jonson is familiar with the facts and documents in this case and if necessary, is prepared to finish the Oppositions and Memoranda as soon as possible.

11. Attorney Frederick McDermott, the other counsel of record for the plaintiffs in this case, is, like Attorney Jonson, somewhat familiar with the facts in this case and has expressed his expectation and willingness to assist in the completion of the remaining Oppositions and Memoranda.

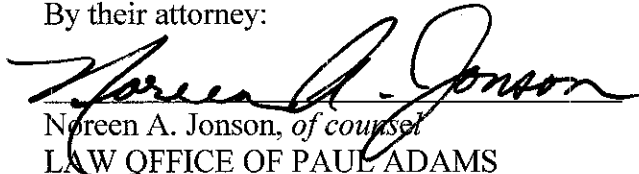
12. Attorney Jonson is charged with not only supporting the clients of Attorney Adams during his recuperation, but also with running her own law practice. Furthermore, as this Court is aware, the other attorney in the Law Office of Paul Adams, Attorney Adams' and Attorney Jonson's father, Paul Adams, Sr., has recently returned to work on a part-time basis having been hospitalized and then confined to home due to a severe incident related to his emphysema. Attorney Paul Adams is still unable to work on a full schedule and continues to require supplemental oxygen.

13. Although, as previously noted, Attorneys Jonson and McDermott are familiar with the facts and documents in this case, neither of them is familiar with all of Attorney Adams' arguments and strategies in this case.

14. Attorney Adams is presently in intensive care, fully sedated, and intubated. As a result, Attorneys Jonson and McDermott are unable to speak with him at this time.

The necessity for the relief and additional time requested is driven by the extreme nature of the extenuating circumstances described above.

Respectfully submitted,  
TIMOTHY J. NOLAN and  
MARIE F. NOLAN, *Plaintiffs*  
By their attorney:

  
Noreen A. Jonson, *of counsel*  
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Dated: *April 20, 2004*